

Session, Forty-third Legislature, as amended by H. B. No. 122, Chapter 387, Acts of 1935, First Called Session, Forty-fourth Legislature, as amended by H. B. 54, Chapter 510, Acts of 1936, Forty-fourth Legislature, Third Called Session, and repealing all laws and parts of laws in conflict herewith; providing a saving clause; and declaring an emergency,"

Have had same under consideration and beg leave to report back to the Senate that it do pass and be not printed.

HILL, Chairman.

#### Adjournment

Senator Van Zandt moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:15 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

### THIRTY-THIRD DAY

(Thursday, March 9, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Moore.

The roll was called, and the following Senators were present:

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Sulak         |
| Martin   | Van Zandt     |
| Metcalf  | Weinert       |
| Moffett  | Winfield      |

Absent--Excused

Head

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of

the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Leave of Absence Granted

Senator Head was granted leave of absence for today on account of important business, on motion of Senator Collie.

#### Reports of Standing Committees

Senator Brownlee submitted at this time the following reports of the Committee on Highways and Motor Traffic:

Austin, Texas,  
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 23, A bill to be entitled "An Act amending Chapter 277, Acts of the Regular Session of the Forty-second Legislature, as heretofore amended, designating said Act as the "Motor Carrier Act of Texas" and adding the sections thereto contained in this Act, to be known as the 'Private Motor Carrier Act of Texas'; etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Austin, Texas,  
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 165, A bill to be entitled "An Act to amend sub-section (a) of Section 7, H. B. No. 2, Chapter 13, Acts of the Forty-second Legislature, Third Called Session, as amended by S. B. No. 300, Chapter 136, Acts of the Forty-third Legislature, Regular Session, and as amended by S. B. No. 450, Chapter 500, Acts of the Forty-fifth Legislature, Regular Session, relating to eligible obligations of the counties or road districts of the State to participate in county and road district highway fund; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Austin, Texas,  
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 407, A bill to be entitled "An Act to provide for the issuance of certificates of title covering motor vehicles and their parts, with certain specified exceptions, so as to disclose ownership and encumbrances; defining the terms 'motor vehicle', 'lien', 'owner', 'mortgagee', 'mortgagor', 'first sale', 'subsequent sale', 'new car', 'used car', 'person', 'hereafter', 'receipt', 'stolen and converted', 'concoated motor vehicle', 'manufacturer', 'importer', 'distributor', 'dealer', 'motor number', 'serial number', 'manufacturer's certificate', 'importer's certificate', 'certificate of title', 'department', and 'designated agent'; placing the administration and enforcement of the law in the Department of Public Safety, and providing its rights and duties in respect thereto; authorizing the said Department to prescribe necessary forms, and to make rules necessary to effectuate the law; prescribing the method and manner of procuring certificates of title, issuance and reissuance of the same and duplicates thereof, and stating conditions and prerequisites therefor; requiring the owners and purchasers of motor vehicles to procure such certificates; requiring the transfer of certificates in all cases of sale, and making sales without transfer of certificate void; etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Senator Hill submitted the following reports of the Committee on Towns and City Corporations:

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 286, A bill to be entitled "An Act authorizing any incorporated city in this State having a population of not less than 53,000 and not more than 57,000, according to the preceding Federal Census, to create by ordinance a Municipal Retirement Board, and to adopt a plan to pay retirement allowances to retire city employees; providing for the submission to a vote of the taxpayers of any such city the question of empowering the governing body to appropriate from public revenues each year to augment the retirement fund; describing this Act as the 'Municipal Retirement Law'; defining words and phrases as used in this Act; etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

HILL, Chairman.

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 243, A bill to be entitled "An Act authorizing and empowering any city to issue its negotiable bonds, payable from revenues other than taxation, for the purchase, construction, repair, improvement, extension or enlargement of its water system, sanitary sewer system, natural gas system, or electric light and power system, the purchase of additional water powers, lands for reservoirs, sewage disposal plants and other water or sewer purposes, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that the same be mimeographed instead of printed.

HILL, Chairman.

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns

and City Corporations, to whom was referred

H. B. No. 554, A bill to be entitled "An Act enabling cities of over two hundred and eighty-five thousand (285,000) population, according to the last preceding United States Census, to establish two (2) or more Corporation Courts; providing such Courts shall have the usual jurisdiction now given to Corporation Courts by the General Law of the State of Texas, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

HILL, Chairman.

Austin Texas,  
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 516, A bill to be entitled "An Act to validate acts of city officials and proceedings of city governing bodies in borrowing money from the Reconstruction Finance Corporation or other agencies of the United States Government for the purpose of making repairs and extensions, or either, to a dam comprising part of a waterworks system; declaring money so borrowed with interest thereon, to be a legal obligation of such city or town payable from the revenues of its waterworks system; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be printed.

HILL, Chairman.

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 413, A bill to be entitled "An Act providing that all ordinances hereinafter enacted by Home Rule cities in the State of Texas, organized and operating under the Home Rule Amendment to the Constitution

of the State of Texas, and the provisions of Title 28, Chapter 13, of the Revised Civil Statutes of Texas, 1925, shall be published as provided in the Charters of such cities; providing this Act shall be cumulative with other laws; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be printed.

HILL, Chairman.

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 414, A bill to be entitled "An Act validating all Ordinances of Home Rule Cities in Texas incorporated under and operating under the provisions of the Home Rule Amendment to the Constitution of the State of Texas and under Title 28, Chapter 13 of the Revised Civil Statutes of Texas, 1925, where such Ordinances have been passed in compliance with the charters of such Home Rule Cities and have been published, as provided in such charters, where such charters require same to be published in so far as such required publication is concerned; providing the provisions of the Act shall not affect any suit or litigation already pending, or which may be filed in a given time; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following Committee Amendments:

Amend H. B. No. 414 by striking out all after the word "provided" in Section 1 and inserting in lieu thereof the following:

"Provided, however, that the provisions of this Act shall not apply to any proceedings, levies, or to any bonds or warrants issued thereunder, nor to ordinances passed and published in violation of the method and procedure prescribed in said charters, the validity of which has been contested or attacked in suit or litigation which is pending at the time this Act becomes a law; or which may be filed within 90 days after this Act becomes

a law; provided further, that any person, whose rights are adversely affected by an ordinance hereafter enacted in violation of said charter, shall be entitled to injunctive relief in any court of competent jurisdiction upon proper application and satisfactory proof."

Amend the caption of H. B. No. 414 to conform to the body of the bill so as to read as follows:

"An Act validating all Ordinances of Home Rule Cities in Texas incorporated and operating under the provisions of the Home Rule Amendment to the Constitution of the State of Texas and under Title 28, Chapter 13 of the Revised Civil Statutes of Texas, 1925, where such Ordinances have been enacted in compliance with the charters of such Home Rule Cities; providing that this Act shall not apply to ordinances, levies or to bonds or warrants issued thereunder, the validity of which has been or will be attacked by suit filed within 90 days after effective date of Act; and granting to persons adversely affected by ordinances hereafter enacted in violation of provisions of said charter injunctive relief, and declaring an emergency,"

The Committee also recommends that the bill and amendments be printed.

HILL, Chairman.

#### Senate Bills on First Reading

The following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Spears:

S. B. No. 325, A bill to be entitled "An Act providing for the establishment of Civil Service for officers and employes of Fire and Police Departments in cities having a population of not less than 225,000 nor more than 260,000 according to the last preceding Federal Census and all future Federal Census; defining de jure officers as distinguished from de facto officers and providing the length of time served or to be served before becoming such de jure officers; providing for the manner in which officers or employes may be dismissed, suspended or demoted as well as method of reinstatement and claim to wages; establishing the exclusive jurisdiction of Trial Boards in such cities to dismiss, reduce or suspend such officers and employes and out-

ing the jurisdiction of all other persons and agencies in connection therewith; eliminating certain defenses in actions by such officers and employes in certain actions wherein they sue for reinstatement or a recovery of lost wages and fixing the burden of proof in such actions on certain questions or issues; providing that persons who take or attempt to take the positions of such officers or employes or to succeed them in office under certain circumstances shall be considered mere intruders and usurpers and as persons seeking to hold offices or positions when there are no vacancies therein; establishing Trial Boards in such cities and providing method of appointing membership thereof and fixing terms of office and qualifications of members and providing method of filling vacancies on such Boards; giving such Boards power to make rules and regulations, but limiting such power in certain respects; providing method of naming Chairmen of such Boards and fixing qualifications; providing method of naming Vice Chairmen of said Boards; providing what offenses such officers and employes may be dismissed or suspended for; creating the office of Director of Civil Service in each of said cities; naming his qualifications; fixing his salary and prescribing his duties; providing for expenses of such Boards and for office space therefor; prescribing method of removing members of said Boards; fixing duties of Boards and naming officers and employes over whom their jurisdiction extends; etc., and declaring an emergency."

Referred to Committee on Labor.

By Senator Spears:

S. B. No. 326, A bill to be entitled "An Act to amend Chapter 184 of the Regular Session of the Forty-fourth Legislature creating the Texas National Guard Armory Board and defining its powers and duties as amended by Chapter 366 of the Regular Session of the Forty-fifth Legislature; creating a Board to be composed of five members; defining its powers and duties; defining the length of term of the membership of said Board; providing that all property and all lease contracts of the former Board shall pass to the new Board and that the obligations of the old Board in connection therewith shall be assumed and performed by the new Board; describing the characteristics of the securities issued and sold by the

Board; permitting the Armory Board to construct buildings on sites in Camps Mabry, Hulen and Wolters; providing that a finding of unconstitutionality of any part of this Act shall not affect the validity of the remainder and declaring an emergency."

Referred to Committee on Military Affairs.

By Senator Winfield:

S. B. No. 327, A bill to be entitled "An Act to aid Red Bluff Water Power and Reclamation District, a Conservation and Reclamation District, due to a calamity caused by drought and to grant aid to said District as a Conservation District under the provisions of the Constitution and granting and donating to such District for a period of two (2) years fifty (50%) per cent of all State ad valorem taxes for general revenue purposes in the Counties of Loving, Reeves, Ward and Pecos, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Winfield:

S. B. No. 328, A bill to be entitled "An Act to prohibit the sale of any fresh water fish caught or trapped from the fresh waters of certain counties, fixing a penalty, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Game and Fish.

By Senator Kelley:

S. B. No. 329, A bill to be entitled "An Act to amend Chapter 427, Acts of the First Called Session of the Forty-fourth Legislature of the State of Texas, being the Act creating the Nueces River Conservation and Reclamation District, so as to provide that the whole of Webb County shall be removed from and excluded from the provisions thereof; to create the Webb County Conservation and Reclamation District under the authority of Section 59 of Article 16, of the Constitution of Texas; defining the powers and duties of said District; providing for directors, and organization and operation of said District and the authority and duties of said Directors; defining the area of said District; providing for certain duties of the State Board of Water Engineers and the Governor of the State; providing that said District shall be governed by the provisions of this Act and all General Laws of the State of Texas; providing that such District be a gov-

ernmental agency, body politic and corporate; authorizing the acquisition of lands, leases, buildings and property necessary for the purposes for which said District is created; vesting such body corporate with the right and powers of eminent domain; providing a constitutional saving clause, and declaring an emergency."

Referred to Committee on Mining, Irrigation and Drainage.

By Senator Kelley:

S. B. No. 330, A bill to be entitled "An Act to amend Section 1, Acts of the Second Called Session, Forty-first Legislature, Chapter 41, conferring upon the State Highway Department authority to issue permits for the operation of super-heavy or over-size equipment over a State Highway, for the transportation of such commodities as cannot be reasonably dismantled, or for the transportation of perishable fruits, vegetables, livestock and livestock feed stuffs, where the gross weight or size exceeds the limits allowed by law to be transported over a State Highway; declaring an emergency and providing this Act shall take effect from and after its passage."

Referred to Committee on Highways and Motor Traffic.

By Senator Kelley:

S. B. No. 331, A bill to be entitled "An Act to apportion the State into Senatorial Districts; naming the counties composing each district; designating the counties to which election returns shall be sent in each district; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Referred to Committee on Senatorial Districts.

By Senator Kelley:

S. B. No. 332, A bill to be entitled "An Act providing for the construction, maintenance and operation of Toll Highways and facilities, declaring same to be public rights and duties; providing for the manner of incorporation thereof; the amount of the capital stock thereof; provisions of the Charter thereof, and for amendment thereof; the fees and franchise tax therefor; the powers of such corporations; the manner in which it may lay out its roadway; that same may cross any highway, street, watercourse, railroad, street

railroad, or interurban line; that the roadway shall be fenced, culverts and sluices constructed for drainage; granting right-of-way over lands and waters of the State; giving the right of eminent domain to such Corporation and providing manner of exercise thereof; providing manner in which it may designate its roadway; giving such Corporations power to make reasonable rules and regulations governing traffic; to change and fix tolls and charges; providing for the operation and use of its roadway and structures and that no motor fuel tax shall be paid on motor fuel used thereon; that such Corporations may borrow money and pledge its properties to secure payment, and may transport goods, wares and merchandise and make charges therefor; and providing for judicial review of its acts."

Referred to Committee on Highways and Motor Traffic.

By Senator Kelley:

S. B. No. 333, A bill to be entitled "An Act authorizing and making it the duty of the Commissioner of Agriculture to establish, maintain and enforce a quarantine against any dangerous insect pest or plant disease not heretofore widely distributed within the State; providing that the Commissioner shall prevent the movement from such quarantined areas into this State of any plants, plant products, things or substances which may disseminate the pest or plant disease; providing for the movement of such plants, plant products, things or substances under certain safeguards; naming certain insect pests and plant diseases and declaring them public menaces; and prohibiting the movement of citrus trees or fruits from certain areas where such pests and diseases are known to exist; providing that the Commissioner of Agriculture shall issue certificates of inspection; prohibiting the movement of citrus nursery stock or citrus fruit without such certificate; providing certain exceptions; prohibiting the transportation of citrus nursery stock or citrus fruit originating without this State unless bearing a certificate of inspection of the State in which it originates; providing that transportation companies or common carriers shall not be liable for damages to the consignee or consignor for refusing to transport or deliver stocks, nursery stock or fruit when

not accompanied by certificates; providing a penalty for the violation hereof; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Referred to Committee on Agriculture.

By Senator Kelley:

S. B. No. 334, A bill to be entitled "An Act authorizing the Commissioners' Court of McMullen County to pay bounties on coyote scalps in McMullen County to preserve game in said county; enacting the necessary regulations in reference thereto; and declaring an emergency."

Referred to Committee on Game and Fish.

By Senator Weinert (by request):

S. B. No. 335, A bill to be entitled "An Act providing for additional return and appearance days for civil citations, writs, process and causes of action, in District Courts in each Judicial District of this State composed of two or more counties, each county thereof having two terms of court, such terms continuing for twenty-six weeks; providing and prescribing procedure; and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Lanning:

S. B. No. 336, A bill to be entitled "An Act to amend Section 1997 of the Revised Civil Statutes of Texas, 1925, relating to pleadings in civil suits in District and County Courts."

Referred to Committee on Civil Jurisprudence.

By Senator Metcalfe (by request):

S. B. No. 337, A bill to be entitled "An Act making it unlawful for any person to take or have in his possession any bream, or sun perch less than five inches in length or any catfish less than fourteen inches in length, providing a penalty for a violation of this article, and declaring an emergency."

Referred to Committee on Game and Fish.

By Senator Moffett (by request):

S. B. No. 338, A bill to be entitled "An Act to fix the maximum rate to be levied for school purposes in all independent school districts which include within their limits an incorpo-

rated city or town which according to the then latest Federal Census had a population of not fewer than four thousand four hundred fifty (4,450) and not more than four thousand four hundred eighty-five (4,485) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

Referred to Committee on Education.

By Senator Martin:

S. B. No. 339, A bill to be entitled "An Act amending Articles 650, 654, 710, and 711 of the Code of Criminal Procedure of the State of Texas, as adopted by the Thirty-ninth Legislature of Texas in the year 1925; amending Articles 81 and 82 of the Penal Code of the State of Texas, as adopted by the Thirty-ninth Legislature of Texas in 1925; providing that where two or more persons are charged, either as principals, accomplices, or accessories, with the same offense or offenses, or with any offense or offenses which grow out of or are based upon the same transaction or undertaking, whether such persons are charged jointly or by separate indictments, informations or complaints, any two or more of such defendants may be tried jointly, before one jury, and at one and the same time, for such offense or offenses; further providing that where there are two or more persons jointly or severally charged or indicted for the same offense or offenses, or for an offense or offenses growing out of the same transaction or undertaking, the privilege of testifying for the defense shall be extended only to such person or persons on trial; further providing that an accessory may be tried and punished before the principal when the latter has escaped or is a fugitive, but if the principal is in custody or on bail, he shall be first tried or shall be tried jointly with the accessory, and if the principal is acquitted the accessory shall be discharged; further providing that persons charged as principals, accomplices or accessories, whether in the same or different indictments, can not be introduced as witnesses for one another, except when such persons are being tried jointly; and repealing Articles 651, 652, and 653 of the Code of Criminal Procedure of the State of Texas, as adopted by the Thirty-ninth Legisla-

ture of Texas in 1925; and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Martin:

S. B. No. 340, A bill to be entitled "An Act granting permission to I. H. Mitchell and wife, Mrs. I. H. Mitchell, to bring suit against the State of Texas and the Department of Public Safety of the State of Texas in a court of competent jurisdiction for alleged damages resulting by reason of alleged injuries to the automobile of the said I. H. Mitchell and to the person of Mrs. I. H. Mitchell by reason of an alleged accident due and owing to the alleged carelessness and negligence of Carroll Monroe in Palo Pinto County on or about November 25, 1936, while said Carroll Monroe was an officer, member, agent, employee, and servant of the Texas Highway Patrol and the Department of Public Safety of the State of Texas; providing that any judgment so recovered may be paid out of the funds of the Department of Public Safety of the State of Texas; providing that if any provision of this Act shall be invalid, the validity of the other provisions thereof shall not be affected thereby; and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Spears:

S. B. No. 341, A bill to be entitled "An Act to amend Article 281, Revised Statutes, 1925, as enacted, Acts First Called Session, 1913, Page 31, by providing for the issuance of attachments in suits founded in tort or upon liquidated or unliquidated claims against foreign corporations without a license to do business in this State and providing for the fixing of the amount of the bond in such cases, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Spears:

S. B. No. 342, A bill to be entitled "An Act to amend Article 7298, Revised Statutes, 1925, as amended by Section 1, Chapter 252 of the General Laws of the Forty-second Legislature, and to prevent delinquent taxpayers from pleading statute of limitations by way of defense against the payment of any taxes due from him or her to the State, or any county,

city, town, navigation district, drainage district, road district, levee district, reclamation district, irrigation district, improvement district, school district, and all other districts, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Nelson:

S. B. No. 343, A bill to be entitled "An Act repealing Section 3 of S. B. No. 157, passed at the Regular Session of the Forty-fourth Legislature; amending Article 2746 of the Revised Civil Statutes of Texas, 1925, as amended by Chapter 237, Acts of the Forty-fifth Legislature of Texas, Regular Session; and declaring an emergency."

Referred to Committee on Privileges and Elections.

By Senator Nelson:

S. B. No. 344, A bill to be entitled "An Act to validate the organization and creation of all county line independent school districts heretofore formed under certain conditions by the consolidation of an existing county line independent district with a contiguous common school district; validating all acts of the Board of Trustees of such existing county line independent school districts in ordering and declaring the results of an election or elections held in such county line independent school districts on the question of such consolidation; validating all proceedings and acts of the Board of Trustees of such districts; validating all tax levies made in behalf of said districts; authorizing and empowering all school districts mentioned in this Act to levy, assess, and collect the same rate of tax as is now being levied, assessed, and collected therein, and heretofore authorized or attempted to be authorized by any act or acts of said districts; providing for certain exemptions; containing a saving clause; and declaring an emergency."

Referred to Committee on Education.

By Senator Brownlee:

S. B. No. 345, A bill to be entitled "An Act to amend Article 5517 of Title 91 of the Revised Civil Statutes, 1925, of the State of Texas, so as to provide that the right of the State shall not be barred by any of the provisions of this title, and to provide

that no person shall ever acquire, by occupancy or adverse possession, any right or title to any part or portion of any road, street, alley, sidewalk or grounds belonging to any town, city or county, or which has been donated or dedicated for public use in any such town, city or county by the owner thereof, or which has been laid out or dedicated in any manner to public use in any town, city or county in this State, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Brownlee:

S. B. No. 346, A bill to be entitled "An Act amending the 'Lower Colorado River Authority Act,' Chapter 7, Acts of the Fourth Called Session of the Forty-third Legislature by amending Section 10 so as to authorize the District to issue bonds for any corporate purpose providing that the aggregate principal amount of such bonds outstanding at any one time shall not exceed \$25,000,000, and eliminating from Section 10 the provisions with reference to purchase of property of Central Texas Hydro-Electric Company; adding a section to be known as Section 14b authorizing the sale, lease or other disposition to any electric cooperative, municipality, or other governmental agency or body politic and corporate of the State of Texas of any property acquired or constructed by the District and incidental to or used or useful in the generation, production, transmission, distribution or sale of electric energy; authorizing it to pledge the proceeds of any such sale or sales; and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Brownlee:

S. B. No. 347, A bill to be entitled "An Act authorizing the State Parks Board to acquire, build and construct parkways, roads, bridges and trails to park-sites on Buchanan and Inks Lakes in Burnet and Llano Counties; authorizing the Board to cooperate and match funds with other State and Federal agencies; making an appropriation to carry out the terms of this Act; and declaring an emergency."

Referred to Committee on Finance.



By Senator Graves (by request):

S. B. No. 348, A bill to be entitled "An Act to better safeguard the health of the people of the State of Texas by making it unlawful to serve food in improperly cleaned or unsterilized dishes or utensils; providing rules for cleaning and sterilizing dishes or utensils; prohibiting the use of cracked or broken dishes and utensils, and unlaundered napkins and unprotected napkins, straws, and other articles commonly used in eating and drinking; prohibiting the use of unsterilized or broken utensils in factories; providing penalties; repealing Article 700-a, Title 12, Chapter 1, Revised Criminal Statutes of Texas; making certain exemptions; saving to the State the right to prosecute for violation prior to the repeal of those Articles; providing that if any particular Section or part of this Act is held unconstitutional or inoperative, such defect shall not affect any other Section or part of this Act; and declaring an emergency."

Referred to Committee on Public Health.

By Senator Hardin:

S. B. No. 349, A bill to be entitled "An Act amending Sections 3, 4, 5 and 6, and repealing Sections 11 and 18 of H. B. No. 59, Chapter 212, Page 298 of the General and Special Laws of the Fortieth Legislature of the State of Texas, 1927, changing the number composing the Texas Prison Board; providing qualifications of said Board; providing for oath of said officers; providing term of office of each member shall be six (6) years except in making the first appointments; providing said mode and manner of making said appointments; providing that first members shall be appointed for two (2), four (4), and six (6) years for first appointment; providing number of members; providing mode and manner of filling vacancies; providing for the salaries of such members; providing for actual and necessary traveling expenses; providing time of meetings of such Board; providing for special meetings on call of the Chairman; providing for organization of such Board; providing that one member shall be chairman of said Board; providing for his election as chairman; providing that one member shall be secretary of said Board; providing for his election; providing for em-

ployment of clerical assistants of said Board; abolishing the offices of the General Manager, Assistant General Manager, Supervisor of Stewards and the Auditor, the duties of the General Manager, Assistant General Manager, Supervisor of Stewards to be hereinafter vested in the newly created Board of Commissioners, the duties of the Auditor being hereinafter encumbered upon the Texas Prison System's Accountant; repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Cotten:

S. B. No. 350, A bill to be entitled "An Act fixing the venue of suits brought on policies issued and contracts made by reciprocal or inter-insurance exchanges organized under the provisions of Chapter 20, Title 78, Revised Civil Statutes of Texas and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Shivers:

S. B. No. 351, A bill to be entitled "An Act relating to the regulation of the business of lending money without security to individuals, providing that any person, firm or corporation, either as principal or as agent or representative of another, before establishing, maintaining or operating such business of lending money without security shall annually file an application for registration for each such business with the County Clerk of the county in which such business is to be established, maintained or operated, that such registration shall include among other things the full name and address of the applicant for registration and designation of an agent for service in said county, for written notice of any change of address or agent, and for the payment of certain fees; providing further for the filing of a bond with said County Clerk to be approved by the County Judge in which applicant shall be the obligor, with a surety company as surety, said bond to run to the State of Texas for the use of the State and of any person or persons who may have a cause of action against obligor of said bond under the provisions of this Act and for the recovery of damages for the

charging of usurious rates of interest prohibited by law, and requiring additional bond when the original bond shall appear to be insecure or exhaustive; providing further that a complete set of records shall be kept, subject to the inspection of the County or District Attorney, and that a complete statement of the transaction shall be furnished the borrower; prohibiting any person, firm or corporation, either as principal or as agent or representative of another, subject to the provisions of this Act, from charging rates of interest in excess of twenty-five per cent per annum; prescribing a penalty for violation of this Act; providing for certain exemptions under this Act; providing that this Act shall in no way affect or repeal present laws defining usurious rates of interest and remedies for the recovery thereon; providing that in event any clause, sentence or provision contained herein shall be invalid, the remaining part, nevertheless, shall be in full force and effect, and declaring an emergency."

Referred to Committee on State Affairs.

By Senator Beck:

S. B. No. 352, A bill to be entitled "An Act amending Section 7, Article 8306, Part 1, Title 130, Revised Civil Statutes of 1925 by extending period for which medical aid shall be provided not exceeding ninety-one (91) days when authorized by Board, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Beck:

S. B. No. 353, A bill to be entitled "An Act amending Sections 1, 3, 4, 6, 8, and 13 of House Bill No. 180, Chapter 96, Acts of the First Called Session of the Forty-first Legislature, 1929, and declaring an emergency."

Referred to Committee on Finance.

By Senator Head:

S. B. No. 354, A bill to be entitled "An Act to amend Article 1055 of the Code of Criminal Procedure; to provide for payment of half costs accruing to officers and witnesses in misdemeanor cases in certain instances, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Senator Head:

S. B. No. 355, A bill to be entitled "An Act providing for additional traveling expenses for County Superintendents of Public Instruction in counties of Texas having a population of not less than 15,725 and not more than 15,775, according to the last preceding Federal Census, and declaring an emergency."

Referred to Committee on Education.

By Senator Van Zandt:

S. B. No. 356, A bill to be entitled "An Act amending Article 2671 of the Revised Civil Statutes of Texas as amended by Chapter 278 Acts of the Regular Session of the Forty-first Legislature, relating to purchase of bonds by Board of Education, and declaring an emergency."

Referred to Committee on Education.

By Senator Van Zandt:

S. B. No. 357, A bill to be entitled "An Act to amend Article 4117 of the Revised Civil Statutes of Texas of 1925 and to provide that whenever it comes to the knowledge of a County Judge that any person whose legal domicile is in his county or who may be found therein or who owns property therein is a minor, person of unsound mind, or a habitual drunkard, and is without a guardian of his property or estate, may cause proper proceedings to be commenced for the appointment of a guardian of such person and his estate or either and providing the procedure that shall be followed in such cases, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Van Zandt:

S. B. No. 358, A bill to be entitled "An Act to amend Article 4116 of the Revised Civil Statutes of Texas, 1925, to provide for the personal service of citations upon minors over 14 years of age unless such service is waived and to provide for personal service of citations upon adult persons for whom the appointment of guardians are sought unless within six months prior to the filing of application for the appointment of such guardian such adult person has been adjudged insane or a habitual drunkard by a court of competent jurisdiction in this State after due notice, and providing for the personal service of no-

tice upon residents absent from the State in the manner prescribed by Article 2038, Revised Civil Statutes of Texas, 1925, and providing for the service of citation by publication when it is shown that the person for whose estate the appointment of a guardian is sought has real or personal property in the State, his whereabouts are unknown or he be an itinerant or conceals himself to avoid service of citation, and providing the method of publishing such citation, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Van Zandt:

S. B. No. 359, A bill to be entitled "An Act to amend Article 4113 of the Revised Civil Statutes of Texas, 1925, to provide for the filing of written applications for the appointment of guardians and requiring such applications to set forth and contain certain information with respect to the person for whom the appointment of a guardian is sought and showing the probable value of the estate of such person and whether or not an adult person for whom the appointment of a guardian is sought has been adjudged insane or an habitual drunkard; and if so the time when and the court by which such adjudication was had, and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Van Zandt:

S. B. No. 360, A bill to be entitled "An Act to amend Article 4114 of the Revised Civil Statutes of Texas, 1925, so as to provide for the issuance of notices upon the filing of applications for appointment of guardians showing by whom such applications have been filed and citing all persons interested in the welfare of the person for whom the appointment of a guardian is sought to appear at the time and place therein stated to contest such application if they see proper and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Stone of Galveston:

S. B. No. 361, A bill to be entitled "An Act to restrain and prevent unfair, discriminatory, and deceptive merchandising practices in the State of Texas; defining essential terms; making it unlawful to discriminate in

price in this State, where the effect of such discrimination may lessen competition or tend to create a monopoly; providing for differentials in prices under certain and limited conditions; making it unlawful to pay, grant, or receive a valuable consideration as compensation for brokerage, either in addition to or exclusive of, the customary cash discount except under certain conditions; making it unlawful for any person knowingly to induce or receive a discrimination in price; declaring unfair, deceptive, and discriminatory methods unlawful; providing against 'loss leader sales'; making it unlawful to lessen, injure, destroy, prevent, hinder, or suppress competition; making it unlawful to operate a wholesale or retail business under one and the same roof except under certain restrictions; making it unlawful to sell any article, product or commodity at special reduction except under certain conditions; including items to be included in estimating cost and overhead expense; providing this Act shall not be construed to prohibit the meeting by any person of a legal competitive price; exempting co-operatives in the distribution of net earnings; providing the conditions under which articles, products, and commodities, purchased at forced, bankrupt, closeout, or other character of sale outside of the ordinary channels of trade may be resold or offered for resale; providing under what conditions special, closeout, and reduction sales may be held; providing against secret and discriminatory payment or allowance of certain forms or manners of compensation; making violation of this Act a misdemeanor and providing that plaintiff may recover damages for violation of this Act; providing if any person violates the provisions of this Act he shall be equally guilty with the person with whom or for which he acts; designating this measure 'the Anti-Discrimination Act,' and setting forth inhibitions; providing a savings clause and declaring the policy and purposes of the Legislature in enacting the measure into law; providing for liberal construction of the Act under Section 14 hereof; declaring this Act shall not be construed as in violation of any provisions of the anti-trust laws of this State; and declaring an emergency."

Referred to Committee on Commerce and Manufactures.

By Senator Winfield:

S. B. No. 362, A bill to be entitled "An Act to amend Section 8 of Chapter 42, General Laws of the State of Texas, passed by the Forty-first Legislature, Second Called Session, as amended by Chapter 282, Acts of the Regular Session, Forty-second Legislature; and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Senator Aikin:

S. B. No. 363, A bill to be entitled "An Act authorizing the Legislature to fix the salaries of the Adjutant General of the State of Texas and of the Assistant Adjutant General of said State, and specifically repealing all laws and parts of laws in conflict herewith."

Referred to Committee on Finance.

#### Senate Concurrent Resolution 18

Senator Aikin offered the following resolution:

Whereas, The State of Texas, by and through the State Highway Commission constructed what is known as State Highway No. 37, which runs between the towns of Mount Vernon, Franklin County, Texas, and Bogata, Red River County, Texas; and

Whereas, Mr. John Bagwell owns property adjacent to this highway which it is alleged has been materially damaged as a result of the construction of this highway, therefore, be it

Resolved, By the Senate and the House of Representatives of the State of Texas, concurring, That Mr. John Bagwell and wife are hereby granted permission to bring suit against the State of Texas and the State Highway Commission of Texas for the purpose of determining the compensation or damages, if any, the said John Bagwell and wife are entitled to recover by reason of the premises above set forth said suit can be tried.

That said suit shall be tried according to the same rules of law and procedure as to liability that would be applicable and available if such suit were brought against any private corporation under the same facts and circumstances as provided by the laws of this State. It is further provided that any service of any process that may be necessary may be served upon the Chairman of the State Highway Commission or the Attorney General

of Texas, who has answered for said defendants.

It is further ordered that if the plaintiffs in said suit shall recover a final judgment, that same shall be paid out of the State Highway funds.

The resolution was read, and was referred to the Committee on State Affairs.

#### Senate Joint Resolutions on First Reading

The following joint resolutions were introduced, read first time, and referred to the Committee on Constitutional Amendments:

By Senator Kelley:

S. J. R. No. 16, Proposing an amendment to the Constitution of the State of Texas increasing the number of State Senators to thirty-five (35); providing for its submission to the voters of the State of Texas as required by the Constitution and making an appropriation therefor.

By Senator Weinert (by request):

S. J. R. No. 17, Proposing an amendment to the Constitution of the State of Texas, by amending subdivisions (b) and (c) of Section 20 of Article XVI, so as to provide that a justice precinct may determine by a majority vote whether the sale of intoxicating liquors for beverage purposes shall be prohibited or legalized within its prescribed limits, regardless of the prior condition of or determination of such matter by the county as a whole.

By Senator Nelson:

S. J. R. No. 18, Proposing an amendment to the Constitution of the State of Texas relating to the legislative authority thereof by amending Section 1 of Article 3 so as to provide a single chamber Legislature; by amending Section 2 of Article 3 so as to provide the number of legislators who shall become members of said single chamber; providing that the members of the Legislature shall consist of two members for each Senatorial District in Texas as now apportioned, and as may hereafter be apportioned, providing the term of office for such legislators; by amending Section 5 of Article 3 providing for the terms of the Legislature and the manner in which such body may be assembled; by amending Section 7 of Article 3 of the Constitution provid-

ing for the qualification of those to be elected to the Legislature; by amending Section 9 of Article 3 providing for the election of a President Pro Tempore and for the selection of committees to consider bills and providing for the election of other officers; by amending Section 24 of Article 3 providing for the compensation of legislators, expenses to be paid incurred by them, and placing restrictions upon the members during their term of office; by amending Section 32 of Article 3 providing that no law shall be passed except by bill, providing for the days on which it shall be read, and providing for suspension of rule in case of imperative public necessity; by amending Section 40 of Article 3 providing for the character of legislation upon which the membership may act, and fixing the process of legislation; and providing the time in which a bill defeated may be reintroduced; by adding a new Section to the Constitution providing for the correction of bills before final passage; by amending Section 16 of Article 4 providing for the election of a Lieutenant Governor, fixing the term of such office and the qualifications for the same, providing the manner in which he shall be elected, and designating the powers of such office; by amending Section 17 of Article 4 providing the manner in which the office of Governor and Lieutenant Governor shall be filled in case of death, resignation, inability or refusal to serve of those holding such offices and providing the compensation for the Lieutenant Governor while acting as such and for the compensation of the Lieutenant Governor while acting as Governor; by amending Section 18 of Article 4 providing the restrictions and inhibitions imposed on the Lieutenant Governor or President of the Legislature when either of them succeed to the office of Governor, and the restrictions and inhibitions imposed on the Lieutenant Governor while serving as Lieutenant Governor; providing for the submission of the amendment to a vote of the electorate of Texas and fixing the date upon which such vote shall be cast; and making an appropriation for the expense of such election.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives.  
Austin, Texas, March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

S. B. No. 21, A bill to be entitled "An Act to amend the subject matter embraced in Section 3, Section 4, Section 7, Section 13, and Section 19 of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended by Section 1, Section 2, Section 3, Section 5, and Section 7, respectively, of Chapter 67, Acts of the Forty-fifth Legislature, Regular Session, and Section 5, Section 6, Section 8, Section 9, Section 14, and Section 16 of Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session; imposing a tax on employers of six or more persons; providing for benefits; fixing benefit eligibility conditions and certain disqualifications for benefits; providing a merit rating for determining the amount of contributions by employers; fixing the duration of coverage; making provisions with reference to the administration of the Unemployment Compensation Fund; and with reference to the administration of the Unemployment Compensation Administration Fund; providing additional means for the enforcement of the collection of contributions; adding certain penalty provisions; defining certain additional terms; adding new sections to be known as Section 19-A and Section 19-B, which provide for the effective date of this Act and for the repeal of all laws and parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 156, A bill to be entitled "An Act providing that the Clerk of the Supreme Court shall receive certain fees for services not otherwise provided by law, allowing the Supreme Court to fix such fees, and declaring an emergency."

S. B. No. 188, A bill to be entitled "An Act to authorize the State Treasurer and the State Comptroller to transfer certain moneys from the General Fund to the Settlement of Estates Fund, and declaring an emergency."

H. C. R. No. 39, Granting Mrs. Lourene Woodruff, of Karnes City, Karnes

County, Texas, permission to sue the State of Texas.

H. C. R. No. 44, Granting Charley Prewett, et al., permission to sue the State.

The House has adopted the Conference Committee Report on S. B. No. 159 by a vote of 125 ayes and 0 nays.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

**Address in Memory of  
Hon. F. C. Weinert**

Senator Roberts offered the following resolution:

(Senate Resolution 33)

Be It Resolved by the Senate of Texas, That our distinguished and scholarly former colleague, the Honorable T. J. Holbrook of Galveston, be invited to deliver to the Senate a memorial to the memory of the beloved statesman and citizen, F. C. Weinert.

(Signed) Roberts, Redditt, Moore, Small, Winfield, Collie, Van Zandt, Pace, Beck, Nelson, Martin, Lanning, Spears, Brownlee, Lemens, Shivers, Aikin, Cotten, Hill, Moffett, Head, Metcalfe, Kelley, Isbell, Hardin, Stone of Galveston, Sulak, Graves, Burns, Stone of Washington.

The resolution was read and was adopted.

Accordingly, the President Pro Tempore appointed Senators Roberts, Winfield and Pace to escort Hon. T. J. Holbrook to the bar of the Senate.

The committee performed the duty assigned it, and the President Pro Tempore then presented Hon. T. J. Holbrook, who addressed the Senate as follows:

"Mr. President and Gentlemen of the Senate: The Senate of Texas, in obedience to an appropriate resolution, has paused on this occasion to honor the memory of one who in his day rendered an outstanding service to the people of his native State; and to me has been assigned the grateful task of speaking the homage of our affections for him 'whom we have long loved, but lost awhile.'

"I believe it was Emerson who once said that most men who spend their lives in the public service come at

last to sleep in a forgotten grave; and that it is only given to the few, who by their very manner of living, forget themselves into immortality. The subject of our sketch today comes truly within this narrow margin; for measured by every standard by which men may be gauged, he left a lasting imprint upon the generation in which he lived. The rich heritage which he bequeathed to his family, the community in which he made his home, and to the people of our common country, will rest as a benediction upon the pathway of generations yet unborn—not in the goods and chattels he left behind, but in the imperishable character which he bore throughout his long and eventful career. Such characters can only be evaluated through spiritual concepts, and in no other way can a full life direct us to higher and nobler paths of duty.

"Panegyrics and words, no matter how aptly phrased, cannot convey a true picture of the higher attributes of man—they belong forever in the field of metaphysics—they are born of the spirit, and are 'not of the earth earthy.' It was Pericles who, while memorializing the Grecian soldiers who had fallen on the field of battle during the Peloponnesian War, said he doubted the wisdom of attempting to embellish their careers with overdrawn figures of speech. He made bold to say, that when men's deeds had been great, they should be honored for their deeds only; and that estimates placed on them after death should never depend on the judgment, be it good or bad, of one man. It is not difficult to comprehend what was in the mind of the great Athenian, as I stand here today, in the very hall where the comings and goings of Ferdinand C. Weinert were always marked with due appreciation; and where for a full generation, he heard the unanimous verdict of his people, in a 'well done, thou good and faithful servant.' In this Capitol building, where so many years of his useful life were spent, it is proper in our feeble way to pay tribute to the character and achievements of this illustrious citizen; but, when all is said and done, the finest epitaph which one could write of him is to say, that he was born humbly, lived greatly and died nobly.

"In brief, he first saw the light of day in New Braunfels, Texas, on July 14th, 1853, and died at Seguin, Texas, on February 19th, 1939. His par-

ents came to Texas in 1846, in quest of liberties they had not enjoyed in the Old World. They were of that sturdy stock of pioneer immigrants who formed the vanguard of civilization in these parts, and wrought mightily to make possible the blessings and conveniences which we now enjoy. Living in a primitive age and savage infested country, the children of these immigrants had little schooling. But the lack of such facilities did not deter young Weinert in his efforts to become a useful citizen. He attended for awhile New Braunfels Academy, and, upon this slight foundation, he thereafter developed a well rounded general education.

"At the early age of seventeen, he moved to Guadalupe, an adjoining county, where he lived with increasing respect to the end of his days. In 1877, he was married to Miss Clara Bading. To this union were born five sons and three daughters, all of whom survive, except one son who died in childhood. His son Rudolph is an honored Member of this Senate, and to my way of thinking is a 'chip off the old block.' His other sons and daughters are honored and respected citizens of Texas, and are worthy of a noble sire.

"Immediately after settling in Guadalupe County, he engaged in farming and stockraising, from which he gained a livelihood throughout his long and useful life. Endowed by nature with a broad vision, he early became interested in public affairs. Among his first acquaintances in the community of his adoption were such stalwart statesmen as John Ireland, who later was Governor of Texas. Joseph B. Dibrell, who was later an Associate Justice of the Supreme Court of Texas, and others of equal renown.

"His inclination for public service and his association with such men soon led him into politics, and, at the suggestion of Judge Ireland, he ran for and was elected Justice of the Peace of his precinct in 1876; was repeatedly re-elected, and served in that office through 1882. In 1882 he was elected County Commissioner of his precinct in Guadalupe County and served in that office for a long period of time. He was first elected and served in the lower house of the Legislature during the tenure of the immortal James Stephen Hogg as Governor. In 1904, the people of Guadalupe County elected him County

Judge, where he served two terms, and in 1908, his district sent him to the Senate of this State where he served until 1911, when he was appointed Secretary of State by Governor Colquitt. He was appointed and served as Commissioner of Markets and Warehouses for the State from 1912 to 1919, and as State Tax Commissioner from 1927 to 1929. After that, he served one term in the lower house of the Legislature, ending his public career, covering a period of approximately sixty years. He was never defeated for public office by the people, which made a unique record in the annals of Texas politics, and one which has been duplicated by few, if any, in the history of the Commonwealth.

"There is a reason behind all this: It is unnecessary to outline a detailed statement of what he did in matters of public and private import; the enduring records of the State and his county will preserve them for the benefit of this and future generations. I shall be content here with speaking of his character, and what manner of man he was. These are the things which entitle him to a place in the Pantheon of the State's immortals. His broad understanding and intricate knowledge of human life in the raw made him an outstanding figure, not only in the affairs of State, but as a neighbor and a friend to the people with whom he was associated in his daily walks. His sympathies for, and untiring energy spent in behalf of their general welfare, created in them an undying affection for him. His very presence in their time of need was always a welcome inspiration, and was a mighty force in the progress of their community. To them he became a tutelary genius, and his patriarchal influence pointed ever to the highest good. The region to which he devoted his life may well be pointed to with pride as a model of conservatism; and yet it is possessed of all that portrays a true symbol of progress.

"The race of men from which he sprang was the ablest of our pioneer stock. They had felt the lash of dictatorship and strove to found here a government freed from such blighting influence. He exemplified the finest graces that adorned the men of his generation, and, notwithstanding the political unrest in the world today, he never wavered in his support of, nor lost faith in the funda-

mental principles upon which this government was founded. Courage, kindness, and courtesy were the triple links which bound him in deathless tie to every hope that animated the spirit and blessed the hopes of all mankind.

"The rare culture which he developed outside of the schoolhouse caused his presence to dignify and give poise to any company. So rare and gracious were his charming attributes that he left no presence doubting that 'here stands a man.' Like Hamlet, he did not soliloquize with himself and inquire whether or not it would be profitable 'to die, to sleep, to wake—to be or not to be.' His was more that quality of mind and heart which caused the Bard of Avon make Polonious say to Laertes, his offspring:

'This above all: to thine own self be true,  
And it must follow, as the night the day,  
Thou canst not then be false to any man.'

To him came always the call of Seneca's Pilot, when amidst the storm of surging seas he exclaimed to Neptune:

'Thou may save me if thou wilt,  
And may, if thou wilt, destroy me;  
But whether or no, I will steer my rudder true!'

"Ferdinand Weinert, among his other marks of greatness, had a religious side to his makeup that was as immovable as the fixed stars in the firmament. In Froude's sketch of Caesar, there is a reference to a legend of the appearance before the final bar of judgment of possibly the most powerful monarch of the sixteenth century, as depicted in one of Titian's great paintings. The accusing angel stands by with a catalogue of his misdeeds, which no advocate could palliate, much less condone. The evil spirit appears in demand for his soul, but the scene closes with a word from the Supreme Judge saying that the emperor had been sent into the world at a peculiar time, and for a special purpose; hence, could not be tried by the ordinary rules of Court. The offender is seen kneeling before the throne, with the consciousness of human frailties written upon his countenance—yet neither afraid nor abject, relying upon his faith that the Judge of all mankind would do the right. Senator Weinert was possessed of that unshaken faith in the eternal triumph of right over wrong; which is the key to all religion, and

we may well believe that he stands now with the Prophets of Old enjoying the fruits which come to a well spent life.

"When one contrasts the poverty which beset the period of his childhood and young manhood, the savage condition of this country at that time, the magnitude of the tasks and responsibilities which fell to his lot grow in importance when compared to the achievements of the present generation. The worthwhile work that he did sprang directly from the forge of a great character; which, after all, forms the keystone of the arch resting at the base of every political and private good.

"He was essentially a man of the people, a commoner of the highest type, who knew that it was a part of his duty in their service to keep touch with their hopes and aspirations, and believed in maintaining their constant concern in every institution of the government, as a force of its strength and the best guaranty of its freedom.

"His love for the people of his native State, his devotion to their welfare, and his intense interest in all of their affairs were fully matched by his scorn for the demagogue, or for any man who attempted to exploit public favor for private ends; and his appraisal of men and events, while always charitable, demonstrated a vigilance for the public good and revealed the attributes of a great citizen standing always as a bulwark behind Constitutional government and its institutions.

"One way to properly appraise his services is to reckon what finer use could be made of a life than he made of his. He was given length of days in which to do his work and upon every one of them impressed the seal of unremitting toil. He was given important relations among men and in each of them, his name shines bright as a symbol of highest honor. He was given strong traits of character, tempered through his own discipline with a gentleness that lent grace to every occasion, and he caused them to serve the true purpose of mankind. He was given great opportunity to do good, which he in part created, and in each instance he devoted all of the powers he possessed to splendid achievement—not for himself, but to serve those he loved, his country, and his God.

"In all relations of life, he stood out as a commanding, heroic figure, the finest proof in our day, I think



of the usefulness, and withal the simple grandeur of a human life when spent as it was meant to be spent, a consecration and a trust, the perfection of high powers nobly used, and as an abiding inspiration to those who shall come after him. Such a man is not to be appraised by the usual standards. He comes to be an institution of the State, with a permanent influence, and to hold an enduring place among those things which embody the civil virtues of a commonwealth, and to emblemize the highest hopes of its people.

"Such a man was Ferdinand Weinert, and now that he has journeyed hence to join that band of great immortals, whose spirits are enshrined in the memories and traditions of this State, we hail him as he took his place among them in that clime—

'Where falls not hail, or rain, or any snow,  
Nor ever winds blow loudly; but which appears  
Deep-meadowed, happy, far with orchard lawns  
And bowery hollows crowned with summer seas.'

"His whole life, from that early day in Texas on which he was born until he fell asleep at Seguin on February 19th last, would be worthy of print, as an inspiration to the youth of the land; but time and space forbid it here. What else shall I say, except hail and farewell?

"This distinguished son of the Lone Star State has closed a career of outstanding and unselfish service. He worked face forward in life and carried no regrets with him to the grave. By the side of his faithful wife he sleeps near the shore of the Guadalupe River; which stirred his fancy in childhood, and was a source of increasing interest throughout his years.

"Friend, Statesman, and Counsellor, may his soul rest in peace pending the glories of resurrection—until then,

'For us terrestrial mountains rise;  
For thee celestial rivers run;  
Our steps are 'neath familiar skies  
But thine in realms beyond the sun.  
'The wild flowers, emblems of thy soul,  
Around thy tomb will bud and blow,  
While Guadalupe's murmured roll  
Will chant thy requiem soft and low.  
'There oft the pilgrims musing gaze  
Will linger on the votive stone

That mutely tells to future days  
Thy powers and charm, forever flown.  
'And there, in golden time to come  
When all the clamor of our day  
Has sunk to silence, and the hum  
Of vain detractions died away,  
'Fame's Angel, hov'ring o'er thy rest,  
His Amaranthine brow will wave,  
Proclaiming—Here lies glory's guest,  
Here genius sleeps in Weinert's grave.' "

#### Thanking Hon. T. J. Holbrook

Senator Pace offered the following resolution:

(Senate Resolution 34)

Be It Resolved by the Senate of Texas, That it express its deep appreciation for the masterful and scholarly address of Honorable T. J. Holbrook and that his remarks be printed in the Senate Journal where they will remain as a permanent tribute to the life and character of F. C. Weinert.

(Signed) Moore, Burns, Martin, Shivers, Small, Cotten, Winfield, Brownlee, Aikin, Moffett, Pace, Beck, Nelson, Lanning, Spears, Redditt, Collie, Graves, Lemens, Hardin, Sulak, Van Zandt, Isbell, Stone of Galveston, Kelley, Head, Metcalfe, Stone of Washington, Hill, Roberts.

The resolution was read and was adopted unanimously by a rising vote.

#### House Bill 148 on Passage to Third Reading

(Unfinished Business)

The President Pro Tempore laid before the Senate, as unfinished business, on its passage to third reading (the bill having been read second time on yesterday):

H. B. No. 148, A bill to be entitled "An Act regulating the practice of medicine, amending Articles 4500, 4501, 4503, 4504, 4505, 4506 and 4507 of Title 71, Chapter 6, Revised Civil Statutes of Texas of 1925, and adding Article 4500A thereto; and amending Articles 740 and 742 of Title 12, Chapter 6 of the Penal Code of Texas, as follows: Providing for the granting, refusal, revocation, cancellation, and suspension of licenses to practice medicine in this State; providing for the granting and refusing by the State Board of Medical Examiners of applications to take its examinations, and for judicial pro-

ceedings upon any such refusal; providing for the qualifications and attainments to be possessed by applicants for such examinations and licenses, the form and contents of such applications and the examination of such applicants; providing definitions of certain terms used in this Act, including the terms 'reputable physicians' and 'reputable medical colleges'; providing that the State Board of Medical Examiners shall not, under Article 4500, as amended hereby, grant a license to practice medicine to any applicant whose authority to practice medicine in any other nation or country was granted by a nation or country in which a similar law in reference to granting licenses to practice medicine under reciprocal arrangement does not exist in favor of physicians of Texas; providing that said Board be authorized to adopt and enforce rules of procedure not inconsistent with the statutory requirements, etc., and declaring an emergency."

With (committee) amendment, striking out all after the enacting clause and inserting in lieu thereof the text of a complete bill, pending.

The (committee) amendment was adopted.

Senator Lemens offered the following amendments to the bill:

(1)

Amend H. B. No. 148, Section 5, page 4, line 10, by striking out the word "not" and inserting in lieu thereof the word "nor".

(2)

Amend Committee Amendment No. 1 to H. B. No. 148, Section 3, page 3, line 4, Article 4501 by inserting after the period following the word "Examination" at the close of the first paragraph the following:

"Provided further that all students regularly enrolled in medical schools whose graduates are now permitted to take the medical examination now prescribed by law in this State shall upon completion of their Medical College courses be permitted to take the examination prescribed herein."

The amendments were adopted severally.

(Senator Roberts in the Chair.)

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 148 by striking out the last sentence in Section 6 and inserting in lieu the following:

"Any applicant who may be refused admittance to examination shall have his right to have such issue tried in the District Court of the county in which he resides or in which any Board member resides. All orders of the Board shall be prima facie valid."

The amendment was adopted.

Senator Lemens offered the following (committee) amendment to the bill:

Amend H. B. No. 148 by striking out all above the enacting clause and substitute therefor the following:

A bill to be entitled

"An Act regulating the practice of medicine, amending Articles 4500, 4501, 4503, 4504, 4505, 4506 and 4507 of Title 71, Chapter 6, Revised Civil Statutes of Texas of 1925, and adding Article 4500A thereto; and amending Articles 740 and 742 of Title 12, Chapter 6, of the Penal Code of Texas, as follows: Providing for the granting, refusal, revocation, cancellation, and suspension of licenses to practice medicine in this State; providing for the granting and refusing by the State Board of Medical Examiners of applications to take its examinations, and for judicial proceedings upon any such refusal; providing for the qualifications and attainments to be possessed by applicants for such examinations and licenses, the form and contents of such applications and the examination of such applicants; providing definitions of certain terms used in this act, including the terms 'reputable physicians' and 'reputable medical colleges'; providing that the State Board of Medical Examiners shall not, under Article 4500, as amended hereby, grant a license to practice medicine to any applicant whose authority to practice medicine in any other nation or country was granted by a nation or country in which a similar law in reference to granting licenses to practice medicine under reciprocal arrangement does not exist in favor of physicians of Texas; providing that said Board be authorized to adopt and enforce rules of procedure not inconsistent with the statutory requirements; providing that those minis-

tering or offering to minister to the sick or suffering through the application or use of the principles, tenets, or teachings of any church, by prayer, without the use of any drug or material remedy, shall refrain from maintaining offices, except for the purpose of exercising the principles, tenets, or teachings of the church of which they are bona fide members; providing that the provisions of this Chapter shall not apply to duly licensed chiropractors, who confine their practice strictly to chiropractic, as defined by statute, and making certain other exceptions; providing that these laws shall be so construed as to apply to all persons, other than registered pharmacists, who sell or offer to sell on the streets or in other public places, contraceptives, prophylactics, or remedies which they recommend for the cure of any disease; providing for judicial proceedings hereunder; amending Article 742 of the Penal Code of this State so as to provide that any person practicing medicine in Texas in violation of the preceding Articles of Title 12, Chapter 6, of such Penal Code, shall be guilty of a misdemeanor, providing that each day of such violation shall be a separate offense, and fixing the punishment therefor upon conviction; providing for the partial invalidity hereof; repealing all laws in conflict herewith; and declaring an emergency."

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 148 on Third Reading

Senator Lemens moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 148 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

|          |         |
|----------|---------|
| Aikin    | Lanning |
| Beck     | Lemens  |
| Brownlee | Martin  |
| Burns    | Metcalf |
| Collie   | Moffett |
| Cotten   | Moore   |
| Graves   | Nelson  |
| Hardin   | Pace    |
| Hill     | Redditt |
| Isbell   | Roberts |
| Kelley   | Shivers |

|               |           |
|---------------|-----------|
| Small         | Sulak     |
| Spears        | Van Zandt |
| Stone         | Weinert   |
| of Galveston  | Winfield  |
| Stone         |           |
| of Washington |           |

Absent—Excused

Head

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Sulak         |
| Martin   | Van Zandt     |
| Metcalf  | Weinert       |
| Moffett  | Winfield      |

Absent—Excused

Head

#### Senate Bill 361 Re-referred

Senator Moore moved that S. B. No. 361 be re-referred from the Committee on Commerce and Manufactures to the Committee on State Affairs.

The motion prevailed.

#### House Concurrent Resolutions Referred

The following concurrent resolutions received from the House today, were laid before the Senate, read severally first time, and referred to the committee indicated:

H. C. R. No. 44, To Committee on State Affairs.

H. C. R. No. 39, to Committee on State Affairs.

#### House Bill 341 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 341, A bill to be entitled "An Act relating to the time of holding court in the several counties constituting the 51st Judicial District of Texas, composed of the counties of Tom Green, Irion, Schleicher, Coke and Sterling, fixing the terms for holding court in each county; amending Chapter 367, Acts of the Regular Session of the Forty-second Legislature, 1931; relating to the time of holding court in the several counties constituting the 119th Judicial District of Texas, composed of the counties of Coleman, Concho, Runnels and Tom Green, fixing the terms for holding court in each county; amending Chapter 349, Acts of the Regular Session of the Forty-fifth Legislature, 1937; repealing all laws in conflict therewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 341 on Third Reading

Senator Metcalfe moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 341 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Sulak         |
| Martin   | Van Zandt     |
| Metcalfe | Weinert       |
| Moffett  | Winfield      |

Absent—Excused

Head

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Sulak         |
| Martin   | Van Zandt     |
| Metcalfe | Weinert       |
| Moffett  | Winfield      |

Absent—Excused

Head

#### House Bill 624 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 624, A bill to be entitled "An Act making it unlawful to hunt, take or pursue any wild deer in the County of Galveston for a period of five (5) years following the passage of this Act; providing a suitable penalty, repealing all laws or parts of laws in conflict with this Act, and declaring an emergency.

The bill was read second time and was passed to third reading.

#### House Bill 624 on Third Reading

Senator Stone of Galveston moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 624 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

|          |          |
|----------|----------|
| Aikin    | Lemens   |
| Beck     | Martin   |
| Brownlee | Metcalfe |
| Burns    | Moffett  |
| Collie   | Moore    |
| Cotten   | Nelson   |
| Graves   | Pace     |
| Hardin   | Redditt  |
| Hill     | Roberts  |
| Isbell   | Shivers  |
| Kelley   | Small    |
| Lanning  | Spears   |

|               |           |
|---------------|-----------|
| Stone         | Sulak     |
| of Galveston  | Van Zandt |
| Stone         | Weinert   |
| of Washington | Winfield  |

Absent—Excused

Head

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### House Bill 379 on Final Passage

Senator Burns called from the table, on its final passage (the bill having been read third time and tabled subject to call on February 15, 1939):

H. B. No. 379, A bill to be entitled "An Act amending Section 1 of House Bill No. 1002, Chapter 363 of the Forty-fifth Legislature, Regular Session, 1937, relating to compensation of County Commissioners in certain counties, repealing all laws in conflict herewith, and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its final passage.

The bill was passed by the following vote:

Yeas—30

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Sulak         |
| Martin   | Van Zandt     |
| Metcalf  | Weinert       |
| Moffett  | Winfield      |

Absent—Excused

Head

#### House Bill 495 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 495, A bill to be entitled "An Act providing for traveling expenses of County Commissioners of certain counties, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 495 on Third Reading

Senator Redditt moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 495 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Sulak         |
| Martin   | Van Zandt     |
| Metcalf  | Weinert       |
| Moffett  | Winfield      |

Absent—Excused

Head

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Sulak         |
| Martin   | Van Zandt     |
| Metcalf  | Weinert       |
| Moffett  | Winfield      |

## Absent—Excused

Head

## House Bill 303 on Second Reading

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 303, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of not more than seven thousand seven hundred (7,700) and not less than seven thousand six hundred eighty (7,680) inhabitants, according to the last preceding Federal Census, to lease any county hospital belonging to said county, and providing for the terms for said lease, and declaring an emergency."

(President Pro Tempore in the Chair.)

The bill was read second time and was passed to third reading.

## House Bill 303 on Third Reading

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 303 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—30

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Sulak         |
| Martin   | Van Zandt     |
| Metcalfe | Weinert       |
| Moffett  | Winfield      |

## Absent—Excused

Head

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—30

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Sulak         |
| Martin   | Van Zandt     |
| Metcalfe | Weinert       |
| Moffett  | Winfield      |

## Absent—Excused

Head

## House Bill 356 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 356, A bill to be entitled "An Act authorizing the County Judge to employ a stenographer or clerk in any county having a population of not more than seven thousand, seven hundred (7,700) and not less than seven thousand, six hundred eighty (7,680) inhabitants, according to the last preceding census; regulating the salary of same; providing for payment of salary; providing for removal, and declaring an emergency."

The bill was read second time.

Senator Roberts offered the following amendment to the bill:

Amend H. B. No. 356 by inserting in line 2 of Section 1 between the word "census" and the word "is" the following:

"of 1930"

The amendment was adopted.

The bill was passed to third reading.

## House Bill 356 on Third Reading

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 356 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Sulak         |
| Martin   | Van Zandt     |
| Metcalf  | Weinert       |
| Moffett  | Winfield      |

Absent—Excused

Head

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage:

The bill was read third time and was passed by the following vote:

Yeas—30

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Sulak         |
| Martin   | Van Zandt     |
| Metcalf  | Weinert       |
| Moffett  | Winfield      |

Absent—Excused

Head

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas, March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. J. R. 6, Proposing an amendment to the Constitution of the State of Texas amending Section 26 of Article IV so as to provide that Notaries Public be appointed by the Secretary of State of the State of Texas; providing for the submission of this amendment to the voters of this State; etc.

The House has passed the following bills:

S. B. No. 78, A bill to be entitled "An Act to create a Soldiers' and Sailors' Home in the State of Texas, providing that said home shall be operated in conjunction with the Confederate Home at Austin, Texas, and placing the operation thereof under the supervision of the State Board of Control; providing that inmates may be discharged for admission procured by fraud or misrepresentation and determining eligibility for admission; providing for deposit of pensions or other compensation received from the United States Government with Superintendent and determining expenditure thereof, and providing that wife of ex-service man may be admitted to residence, and where wife of ex-service man is admitted, then such pension or compensation received shall be deposited with superintendent under rules and regulations promulgated by the State Board of Control for expenditure for her benefit, and providing further for the care and maintenance of inmates, and in the event of death of ex-service man, his widow may be transferred to Confederate Woman's Home at Austin, Texas, if she so desires or may remain in said Soldiers' and Sailors' Home, and providing that the Board of Control is authorized to receive donations in aid of such home, and that Superintendent of Confederate Home shall also act as Superintendent of Soldiers' and Sailors' Home, and providing that wherever practical ex-service men, their wives or dependents, shall be employed in the operation of said Home, and providing that Board of Control may negotiate with the Federal Government for aid and assistance in support thereof and declaring an emergency."

S. B. No. 129, A bill to be entitled "An Act to amend Article 1323 of R. C. S. of 1925, as amended by H. B. No. 626, Chapter 235, Acts of the Regular Session of the Fortieth Legislature, so as to provide for the length

of terms which directors may be elected to and serve for corporations formed under Subdivisions 1, 2, and 3, of Chapter 1, Title 32, R. C. S. 1925, and declaring an emergency."

S. B. No. 198, A bill to be entitled "An Act repealing Chapter 8 of the Laws of the Forty-fourth Legislature, Regular Session, being Senate Bill No. 457, page 1172, of the General and Special Laws of the Forty-fourth Legislature, Regular Session, and declaring an emergency."

Respectfully submitted,  
E. R. LINDLEY, Chief Clerk,  
House of Representatives.

#### House Bill 357 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 357, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of not less than twenty-three thousand, eight hundred twenty-five (23,825) and not more than twenty-three thousand, eight hundred fifty (23,850) inhabitants, according to the last preceding Federal Census, to lease any county hospital belonging to said county, and providing for the terms for said lease, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 357 on Third Reading

Senator Roberts moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 357 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

|          |         |
|----------|---------|
| Aikin    | Lemens  |
| Beck     | Martin  |
| Brownlee | Metcalf |
| Burns    | Moffett |
| Collie   | Moore   |
| Cotten   | Nelson  |
| Graves   | Pace    |
| Hardin   | Redditt |
| Hill     | Roberts |
| Isbell   | Shivers |
| Kelley   | Small   |
| Lanning  | Spears  |

|               |           |
|---------------|-----------|
| Stone         | Sulak     |
| of Galveston  | Van Zandt |
| Stone         | Weinert   |
| of Washington | Winfield  |

Absent—Excused

Head

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Sulak         |
| Martin   | Van Zandt     |
| Metcalf  | Weinert       |
| Moffett  | Winfield      |

Absent—Excused

Head

#### House Bill 348 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 348, A bill to be entitled "An Act to diminish the civil and criminal jurisprudence of the County Court of Glasscock County, to conform to the jurisdiction of the District Court thereof, and to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Winfield offered the following amendment to the bill:

Amend H. B. No. 348, Section 2, by striking the comma after the word "causes" in line 5 thereof.

Also amend Section 3, line 5 thereof by striking the comma after the word "Act" in said line and section.

Also amend Section 3 in line 7 of said section by substituting the word "cases" for "case" after the word "such".



Also amend Section 3, line 7, of said section by inserting a comma after the word "case".

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 348 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 348 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—30

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Sulak         |
| Martin   | Van Zandt     |
| Metcalfe | Weinert       |
| Moffett  | Winfield      |

#### Absent—Excused

#### Head

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—30

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Sulak         |
| Martin   | Van Zandt     |
| Metcalfe | Weinert       |
| Moffett  | Winfield      |

#### Absent—Excused

#### Head

#### House Bill 173 on Second Reading

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 173, A bill to be entitled "An Act amending Article 6954, Chapter 6, Title 121 of the Revised Civil Statutes of Texas, 1925, as amended in Chapter 245 of the Acts of the Regular Session of the Fortieth Legislature of Texas, as amended in Chapter 5 of the Acts of the Regular Session of the Forty-first Legislature of Texas, and as further amended in Chapter 71 of the Acts of the First Called Session of the Forty-first Legislature of Texas, the latter being H. B. No. 120, passed by the First Called Session of the Forty-first Legislature, and further amended in Chapter 8, of the Acts of the Third Called Session of the Forty-first Legislature, S. B. No. 22, and further amended in Chapter 313 of the Acts of the Regular Session of the Forty-second Legislature, and as further amended by Chapter 9 of the Acts of the Third Called Session of the Forty-second Legislature, and as further amended by Chapter 48 of the Acts of the Regular Session of the Forty-third Legislature, and as further amended by Chapter 34, of the Special Laws of the Acts of Regular Session of the Forty-fourth Legislature, and as further amended by Chapter 189 of the Acts of Regular Session of the Forty-fifth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include in said Article the County of Frio, and declaring an emergency."

The bill was read second time.

Senator Kelley offered the following amendments to the bill:

#### (1)

Amend H. B. No. 173, Section 1, by adding before the words, "be and the same is hereby amended" the following:

"and as further amended by Chapter 189, of the Acts of the Regular Session of the Forty-fifth Legislature."

(2)

Amend the caption of H. B. No. 173, by inserting after the words "Senate Bill No. 22" the following:

"as amended by Chapter 15, Acts of the Fourth Called Session of the Forty-first Legislature."

The amendments were adopted severally.

The bill was passed to third reading.

#### House Bill 173 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 173 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Sulak         |
| Martin   | Van Zandt     |
| Metcalfe | Weinert       |
| Moffett  | Winfield      |

Absent—Excused

Head

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

|          |          |
|----------|----------|
| Aikin    | Lanning  |
| Beck     | Lemens   |
| Brownlee | Martin   |
| Burns    | Metcalfe |
| Collie   | Moffett  |
| Cotten   | Moore    |
| Graves   | Nelson   |
| Hardin   | Pace     |
| Hill     | Redditt  |
| Isbell   | Roberts  |
| Kelley   | Shivers  |

|               |           |
|---------------|-----------|
| Small         | Sulak     |
| Spears        | Van Zandt |
| Stone         | Weinert   |
| of Galveston  | Winfield  |
| Stone         |           |
| of Washington |           |

Absent—Excused

Head

#### Bills on First Reading

By unanimous consent, the following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Van Zandt:

S. B. No. 364, A bill to be entitled "An Act to amend Article 4122 of the Revised Civil Statutes of Texas so as to provide that minors, except the father or mother; persons whose conduct is notoriously bad; persons of unsound mind; habitual drunkards and those who are themselves or whose father or mother are parties to a lawsuit, on the result of which the condition of the ward, or part of his fortune may depend; those who are debtors to the ward, unless they discharge the debt prior to their appointment; those who are asserting claims to property, real or personal, adverse to the persons for whom or for whose estate the appointment of a guardian is sought; those unable to read or write the English language; and those by reason of inexperience or lack of education or for other good reasons are shown to be incapable of properly and prudently managing and controlling the ward's estate shall be disqualified to act as guardians and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Sulak:

S. B. No. 365, A bill to be entitled "An Act providing for the giving of a bond by trustees who are appointed by will, deed or other instrument in writing and holding property for the use and benefit of others; providing for the procedure to require such bonds; providing for the removal of trustees upon refusal to make such bond; providing for the appointment of a new trustee; providing that the court may, upon its own motion, or upon application of any person interested require the new trustee to give bond; providing for the payment of costs accru-

ing thereunder and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Hill and others:

S. B. No. 366, A bill to be entitled "An Act defining 'State Designated Highways'; providing for development for oil or gas by the State of State Designated Highways in tracts, the size of which to be determined by the Board of Mineral Development; providing method of advertising for proposals to lease and drilling by Board of Mineral Development, and for compensation to State in money and oil and gas; providing for receiving bids by Board of Mineral Development, their acceptance or rejection and for advertising same in accordance with Section 9 of Chapter 271, Acts of the 42nd Legislature; providing for re-advertisement in case of rejection of bids and for contracting by the Board of Mineral Development with lowest and best bidder for a completed well, and for carrying by said Board of Workmen's Compensation Insurance on employees in such work; providing for leasing of State Designated Highways, regardless of distance from producing wells, provided there shall be no contract for development when rights of ways are more than half mile from oil and gas production in paying quantities; providing for leases and contracts to be on forms approved by the Board and Attorney General; providing for safeguards against pollution of streams; providing for surface equipment, except the flow tank, to be beneath surface, and for protection against hazard to traffic by placing cover over same to withstand traffic load of 25,000 pounds; providing this Act shall not repeal or supersede Chapter 138, Acts of the Regular Session, Forty-first Legislature; providing for allocation of funds received hereunder; providing for leasing of sections of highway where state holds only easement thereto, for reservation of one-half of proceeds therefrom by State, the remaining one-half to grantor of easement, and for minimum royalty of one-eighth by State in such event; providing venue in suits by and against said Board; providing for procedure and bond in injunction suits against Board; providing procedure in cases of appeal in suits; providing rights of eminent domain to persons or corporations contracting with State

under this Act; and for proceedings thereunder; providing a saving clause; and declaring an emergency."

Referred to Committee on Mining, Irrigation and Drainage.

#### Bills and Resolution Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled resolution and bills:

H. C. R. No. 4, Providing for a joint legislative committee to make arrangements for the inauguration of the newly elected Governor and Lieutenant Governor.

S. B. No. 156, "An Act providing that the Clerk of the Supreme Court shall receive certain fees for services not otherwise provided by law, allowing the Supreme Court to fix such fees, and declaring an emergency."

S. B. No. 188, "An Act to authorize the State Treasurer and the State Comptroller to transfer certain moneys from the General Fund to the Settlement of Estates Fund, and declaring an emergency."

S. B. No. 78, "An Act to create a Soldiers' and Sailors' Home in the State of Texas, providing that said home shall be operated in conjunction with the Confederate Home at Austin, Texas, and placing the operation thereof under the supervision of the State Board of Control; providing that inmates may be discharged for admission procured by fraud or misrepresentation and determining eligibility for admission; providing for deposits of pensions or other compensation received from the United States Government with Superintendent and determining expenditure thereof, and providing that wife of ex-service man may be admitted to residence, and where wife of ex-service man is admitted, then such pension or compensation received shall be deposited with superintendent under rules and regulations promulgated by the State Board of Control for expenditure for her benefit, and providing further for the care and maintenance of inmates, and in the event of death of ex-service man, his widow may be transferred to Confederate Woman's Home at Austin, Texas, if she so desires or may remain in said Soldiers' and Sailors' Home, and providing that the Board

of Control is authorized to receive donations in aid of such home, and that Superintendent of Confederate Home shall also act as Superintendent of Soldiers' and Sailors' Home, and providing that wherever practical ex-service men, their wives or dependents, shall be employed in the operation of said Home, and providing that Board of Control may negotiate with the Federal Government for aid and assistance in support thereof and declaring an emergency."

#### H. B. No. 474 on Second Reading

On motion of Senator Pace and by unanimous consent, Senate Rules 31a and 48 were suspended, and the regular order of business was suspended, to permit consideration of H. B. No. 474 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 474, A bill to be entitled "An Act to fix the salary of the Superintendent of Public Instruction in counties having a population of not less than 22,100 nor more than 22,600, according to the last preceding Federal Census, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Pace offered the following amendment to the bill:

Amend H. B. No. 474, Section 1, so that said section will hereafter read as follows:

"Section 1. From and after the passage of this Act the salary of the County Superintendent of Public Instruction shall be Thirty-six hundred (\$3600.00) Dollars per year in all counties having a population of not less than 22,100 or more than 22,600 according to the 1930 Federal Census. Such salaries shall be paid in equal monthly installments of Three Hundred (\$300.00) each."

Amend caption to comply with the changes in the body of the bill.

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 474 on Third Reading

Senator Pace moved that the constitutional rule requiring bills to be

read on three several days be suspended and that H. B. No. 474 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—30

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Sulak         |
| Martin   | Van Zandt     |
| Metcalf  | Weinert       |
| Moffett  | Winfield      |

#### Absent—Excused

#### Head

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

On motion of Senator Pace, the bill was tabled subject to call.

#### House Bill 554 on Second Reading

On motion of Senator Aikin and by unanimous consent, Senate rule 48 was suspended to permit consideration of H. B. No. 554 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to third reading:

H. B. No. 554, A bill to be entitled "An Act enabling cities of over two hundred and eighty-five thousand (285,000) population to establish two (2) or more Corporation Courts; providing such Courts shall have the usual jurisdiction now given to Corporation Courts by the General Law of the State of Texas, enabling cities to prescribe the qualifications of the recorder of said Courts; that cases may be transferred from one Court to the other; that there shall be one Corporation Court Clerk; that complaints shall be filed to assure equal distribution of cases; providing that the procedure shall be as provided by the General Law of Texas; repeal-

ing all laws in conflict herewith; providing a saving clause, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 554 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 554 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—30

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Sulak         |
| Martin   | Van Zandt     |
| Metcalfe | Weinert       |
| Moffett  | Winfield      |

#### Absent—Excused

#### Head

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—30

|          |               |
|----------|---------------|
| Aikin    | Moore         |
| Beck     | Nelson        |
| Brownlee | Pace          |
| Burns    | Redditt       |
| Collie   | Roberts       |
| Cotten   | Shivers       |
| Graves   | Small         |
| Hardin   | Spears        |
| Hill     | Stone         |
| Isbell   | of Galveston  |
| Kelley   | Stone         |
| Lanning  | of Washington |
| Lemens   | Sulak         |
| Martin   | Van Zandt     |
| Metcalfe | Weinert       |
| Moffett  | Winfield      |

#### Absent—Excused

#### Head

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time by the chairmen of the several committees to which were referred the bills specified in the reports:

Austin, Texas,  
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 239, A bill to be entitled "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census; making this Act cumulative of all General Laws on the same subject, such General Laws to apply except in case of conflict when the provisions of this Act shall control; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

HARDIN, Chairman.

Austin, Texas,  
March 8, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

H. B. No. 343, A bill to be entitled "An Act to amend Article 2965, Title 50, Chapter 5 of the Revised Civil Statutes of Texas of 1925, as amended by Acts of the Forty-first Legislature 1929, page 248, Chapter 109, Section 2, and as amended by the Acts of the Forty-first Legislature 1929, First Called Session, page 111, Chapter 51, Section 2; providing for form of receipt for payment of poll tax; amending Article 2970, Title 50, Chapter 5 of the Revised Civil Statutes of Texas of 1925, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendment that it do pass and be printed.

HARDIN, Chairman.

Austin, Texas,  
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 474, A bill to be entitled "An Act to fix the salary of the Superintendent of Public Instruction in counties having a population of not less than twenty-two thousand, one hundred (22,100) nor more than twenty-two thousand, six hundred (22,600) according to the last preceding Federal Census; repealing all laws or parts of laws in conflict herewith; and declaring an emergency,"

Have duly considered same and desire to report it back to the Senate with the recommendation that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,  
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred S. B. No. 326 by Spears, A bill to be entitled "An Act to amend Chapter 184 of the Regular Session of the Forty-fourth Legislature creating the Texas National Guard Armory Board and defining its powers and duties as amended by Chapter 366 of the Regular Session of the 45th Legislature; creating a Board to be composed of five members; defining its powers and duties; defining the length of term of the membership of said Board; providing that all property and all lease contracts of the former Board shall pass to the new Board and that the obligations of the old Board in connection therewith shall be assumed and performed by the new Board; describing the characteristics of the securities issued and sold by the Board; permitting the Armory Board to construct buildings on sites in Camps Mabry, Hulen and Wolters; providing that a finding of unconstitutionality of any part of this Act shall not affect the validity of the re-

mainder, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

METCALFE, Chairman.

#### Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives.  
Austin, Texas, March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House refused to pass the following Senate bill by a vote of 52 ayes and 56 nays:

S. B. No. 213, A bill to be entitled "An Act providing that it shall be unlawful to take or kill a brown pelican; providing a suitable penalty and declaring an emergency," (with amendments.)

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### Senate Bill 111 on Passage to Engrossment

Senator Stone of Washington, by unanimous consent, called from the table, on its passage to engrossment (the bill having been read second time and tabled subject to call on February 23, 1939):

S. B. No. 111, A bill to be entitled "An Act to amend Chapter 93, Acts of the First Called Session of the Forty-first Legislature of the State of Texas, further defining the duties of the Commissioner of Agriculture, providing certain safeguards for the purchasers of seed produced outside of Texas and shipped into Texas, providing that seed sold as registered and certified in Texas meet Texas standards, requiring permit to ship certain planting seed into Texas, providing fees for such permits, clarifying certain terms used under the Seed Certification program, providing penalties and declaring an emergency."

The President Pro Tempore laid the bill before the Senate on its passage to engrossment.

Question—Shall the bill be passed to engrossment?

On motion of Senator Stone of Washington, the bill was tabled subject to call.

#### Motion to Adjourn

Senator Shivers moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion was lost by the following vote:

Yeas—14

|          |              |
|----------|--------------|
| Aikin    | Redditt      |
| Beck     | Roberts      |
| Brownlee | Shivers      |
| Collie   | Stone        |
| Hill     | of Galveston |
| Kelley   | Sulak        |
| Lemens   | Weinert      |
| Moore    |              |

Nays—14

|          |               |
|----------|---------------|
| Burns    | Pace          |
| Cotten   | Small         |
| Graves   | Spears        |
| Hardin   | Stone         |
| Isbell   | of Washington |
| Lanning  | Van Zandt     |
| Metcalfe | Winfield      |
| Moffett  |               |

Absent

Martin Nelson

Absent—Excused

Head

#### Relating to Introduction of Bills

Senator Van Zandt submitted the following motion in writing:

I move that the constitutional rule and Senate Rule prohibiting the introduction of general bills after the first sixty days be suspended until one o'clock p. m., March 13th, 1939.

VAN ZANDT.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—21

|        |          |
|--------|----------|
| Aikin  | Hill     |
| Beck   | Isbell   |
| Burns  | Kelley   |
| Collie | Lanning  |
| Cotten | Metcalfe |
| Graves | Moffett  |
| Hardin | Nelson   |

|               |           |
|---------------|-----------|
| Pace          | Sulak     |
| Small         | Van Zandt |
| Spears        | Winfield  |
| Stone         |           |
| of Washington |           |

Nays—8

|          |              |
|----------|--------------|
| Brownlee | Shivers      |
| Lemens   | Stone        |
| Moore    | of Galveston |
| Redditt  | Weinert      |
| Roberts  |              |

Absent

Martin

Absent—Excused

Head

#### Bills on First Reading

By unanimous consent, the following bills were introduced, read severally first time, and referred to the committees indicated:

By Senator Kelley:

S. B. No. 367, A bill to be entitled "An Act authorizing the Commissioners Court in any county having a population of not less than 10,399, and not more than 10,499 according to the last preceding Federal Census, to allow each county commissioner certain traveling expenses while traveling on official business, and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

By Senator Kelley:

S. B. No. 368, A bill to be entitled "An Act to amend Sections one (1), two (2), three (3), four (4), six (6), twelve (12), twenty-one (21), twenty-two (22), and to repeal Sections five (5), seven (7), fourteen (14) and eighteen (18) of an Act relating to the bonding and licensing of dealers in citrus fruit in the State of Texas and being H. B. No. 99 of the Acts of the Forty-fifth Legislature as amended by Senate Bill No. 24 of the Acts of the First Called Session of the Forty-fifth Legislature, and declaring an emergency."

Referred to Committee on Agriculture.

By Senator Hardin:

S. B. No. 369, A bill to be entitled "An Act to provide for and require annual reports to the Banking Commissioner of Texas, and publication of same, by banks of either deposit

or discount, banks both of deposit and discount, banks and trust companies, savings banks, and Morris Plan banks, having their domicile and place of business in this State, of certain monies held by same and unclaimed for a period of five years, and providing a penalty for failure to make such reports and publication."

Referred to Committee on Banks and Banking.

By Senator Moffett:

S. B. No. 370, A bill to be entitled "An Act amending Article 4725 of the Revised Civil Statutes of Texas of 1925, as amended, Acts 1937, Forty-fifth Legislature, page 330, Chapter 168; designating the securities in which the funds of life insurance companies may be invested; providing that life insurance companies may invest funds in any bonds or interest bearing warrants issued by authority of law by any county, city, town, school district or other municipality or subdivision constituted or organized under the laws of the State of Texas, and authorized to issue such bonds or warrants under the Constitution and laws of Texas, provided legal provision has been made by a tax to meet such obligations, or in the alternative, that special revenues sufficient to meet the principal and interest payments as they accrue upon such obligations shall have been appropriated, pledged or otherwise provided by the issuing municipality or subdivision; providing that any life insurance company, for the purpose of investing its capital and surplus over and above the amount of its reserves, may purchase and hold as collateral security, or otherwise, and sell and convey the capital stock, bonds, debentures, bills of exchange or other commercial notes or bills and securities of any solvent dividend paying corporation which has not defaulted in the payment of any of its obligations for a period of five years if the corporation has been in existence for a period of five years, or which has never at any time defaulted in the payment of any of its obligations if the corporation has been in existence less than five years; and declaring an emergency."

Referred to Committee on Insurance.

By Senator Van Zandt:

S. B. No. 371, A bill to be entitled "An Act to amend Article 4123 of the

Revised Civil Statutes of Texas by adding thereto a provision for the appointment of a guardian of a person who within six months prior to the filing of an application for the appointment of a guardian of his person or estate has been adjudged to be a person of unsound mind or a habitual drunkard or by appropriate proceedings in a court of competent jurisdiction in another state or territory of the United States or of the District of Columbia after issuance and service of notice as required by Articles 4114, 4115, and 4116, as amended, the same as if such person had been adjudged by a court of this State to be of unsound mind or a habitual drunkard and providing that if such person be served within this State the court may also appoint a guardian of his person upon application being made therefor and declaring an emergency."

Referred to Committee on Civil Jurisprudence.

By Senator Beck:

S. B. No. 372, A bill to be entitled "An Act fixing the compensation of the county attorneys in all counties in the State of Texas having a population of more than forty-eight thousand five hundred and forty (48,540) and less than forty-eight thousand eight hundred (48,800), according to the last preceding or any future Federal Census, repealing all laws and parts of laws in conflict herewith to the extent of such conflict only, and declaring an emergency."

Referred to Committee on Counties and County Boundaries.

### Adjournment

Senator Weinert moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Senator Winfield moved that the Senate adjourn until 10:00 o'clock a. m. next Monday, March 13, 1939.

Senator Van Zandt moved that the Senate recess to 10:00 o'clock a. m. tomorrow.

Question first recurring on the motion of Senator Winfield, yeas and nays were demanded.

The motion was lost by the following vote:



## Yeas—12

|        |          |
|--------|----------|
| Burns  | Metcalf  |
| Cotten | Moffett  |
| Graves | Nelson   |
| Hardin | Pace     |
| Isbell | Spears   |
| Martin | Winfield |

## Nays—17

|          |               |
|----------|---------------|
| Aikin    | Shivers       |
| Beck     | Small         |
| Brownlee | Stone         |
| Collie   | of Galveston  |
| Hill     | Stone         |
| Kelley   | of Washington |
| Lanning  | Sulak         |
| Moore    | Van Zandt     |
| Redditt  | Weinert       |
| Roberts  |               |

## Absent

Lemens

## Absent—Excused

Head

Question next recurring on the motion of Senator Weinert, yeas and nays were demanded.

The motion prevailed by the following vote:

## Yeas—16

|          |              |
|----------|--------------|
| Aikin    | Redditt      |
| Beck     | Roberts      |
| Brownlee | Shivers      |
| Collie   | Small        |
| Hill     | Stone        |
| Kelley   | of Galveston |
| Lanning  | Sulak        |
| Lemens   | Weinert      |
| Moore    |              |

## Nays—13

|         |           |
|---------|-----------|
| Burns   | Moffett   |
| Cotten  | Nelson    |
| Graves  | Pace      |
| Hardin  | Spears    |
| Isbell  | Van Zandt |
| Martin  | Winfield  |
| Metcalf |           |

## Absent

Stone  
of Washington

## Absent—Excused

Head

The Senate, accordingly, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

## APPENDIX

## Reports of Committee on Enrolled Bills

Austin, Texas,  
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 156 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,  
Chairman.

Austin, Texas,  
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 188 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,  
Chairman.

Austin, Texas,  
March 9, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 78 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,  
Chairman.

## THIRTY-FOURTH DAY

(Friday, March 10, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tempore Moore.

The roll was called and the following Senators were present:

|          |         |
|----------|---------|
| Aikin    | Kelley  |
| Beck     | Lanning |
| Brownlee | Lemens  |
| Burns    | Metcalf |
| Collie   | Moffett |
| Cotten   | Moore   |
| Graves   | Pace    |
| Hill     | Redditt |
| Isbell   | Roberts |